

Application No. 10/608,880

REMARKS

In the office action of February 15, 2005, the drawings were objected to for being inconsistent with the specification. Claims 1-20 and 23-54 were rejected under 35 USC Section 112, second paragraph, as being indefinite. Claims 21 and 22 were provisionally rejected under 35 USC 101 as claiming the same invention as that of claims 24 and 25 of copending Application No. 10/608,877. Claims 1-11, 23-34, 36, 44-52 and 54 were rejected under 35 USC 103(a) as being unpatentable over Yamamoto et al. (App 2002/0014581). Claims 12, 14-20, 37-43 and 53 were rejected under 35 USC 103(a) as being unpatentable over Yamamoto et al. in view of Loewen (US 5,017,776).

Claims 2, 7-11, 15, 21-22, 24, 29-34, 38, 45, and 48-52 have been canceled. Claims 1, 14, 23, 37, 44 have been amended.

The Objections To The Drawings

Paragraph [0018] of the specification has been amended to refer to light areas 155 and to light areas 161-165, so as to be consistent with the drawings. Paragraph [0023] has been amended to refer to light areas 161-165, so as to be consistent with the drawings.

In view of the foregoing, it is respectfully believed that the objections to the drawings have been overcome.

The Section 112 Rejections

Claims 1, 14, 23 and 37 have been amended to refer to a series of contiguously adjacent light areas that are substantially uniformly spaced center to center so as to have a substantially uniform pitch, the series of

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contiguously adjacent light areas including a plurality of contiguously adjacent first light areas and a plurality of second light areas. In this manner, the contiguously adjacent light areas and the second light areas have a substantially uniform pitch.

Claim 44 has been amended to refer to a series of contiguously adjacent light areas that are substantially uniformly spaced center to center so as to have a substantially uniform pitch, the series of contiguously adjacent light areas including a first light area and a plurality of second light areas. In this manner, the first light area and the second light areas have a substantially uniform pitch.

Claim 23 has also been amended to be more specific as to the heights of the light areas and to remove the "optically different" language.

In view of the foregoing, it is respectfully submitted that the Section 112 rejections have been overcome.

The Statutory Double Patenting Rejection

Claims 21 and 22 have been canceled.

Claims 1, 3-6, and 12-13; 14 and 16-20; 23, 25-28 and 35-36; 37 and 39-43;
44, 46-47 and 53-54

The rejections of claims 1, 3-6, and 12-13 are respectfully traversed since the references do not teach or suggest each and every element of these claims including for example:

wherein the optical grating includes an optical track comprising a series of contiguously adjacent light areas that are substantially uniformly spaced center to center so as to have

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substantially uniform pitch, the series of contiguously adjacent light areas including (a) a plurality of contiguously adjacent first light areas of first light area heights and (b) a plurality of second light areas of a substantially constant second light area height, wherein each of the first light area heights is different from the substantially constant second light area height.

The rejections of claims 14 and 16-20 are respectfully traversed since the references do not teach or suggest each and every element of these claims including for example:

wherein the optical grating includes an optical track comprising a series of contiguously adjacent light areas that are substantially uniformly spaced center to center so as to have substantially uniform pitch, the series of contiguously adjacent light areas including a plurality of contiguously adjacent first light areas and a plurality of second light areas, wherein the contiguously adjacent first light areas are transmissively different from the second light areas.

The rejections of claims 23, 25-28 and 35-36 are respectfully traversed since the references do not teach or suggest each and every element of these claims including for example:

wherein the light areas comprise a series of contiguously adjacent light areas that are substantially uniformly spaced center to center so as to have a substantially uniform pitch, the series of contiguously adjacent light areas including (a) a plurality of contiguously adjacent first light areas of first light area heights

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and (b) a plurality of second light areas of a substantially constant second light area height, wherein each of the first light area heights is different from the substantially constant second light area height.

The rejections of claims 37 and 39-43 are respectfully traversed since the references do not teach or suggest each and every element of these claims including for example:

wherein the light areas comprise a series of contiguously adjacent light areas that are substantially uniformly spaced center to center so as to have a substantially uniform pitch, the series of contiguously adjacent light areas including (a) a plurality of contiguously adjacent first light areas and a plurality of second light areas, wherein the contiguously adjacent first light areas are transmissively different from the second light areas.

The rejections of claims 44, 46-47 and 53-54 are respectfully traversed since the references do not teach or suggest each and every element of these claims including for example:

wherein the light areas comprise a series of contiguously adjacent light areas that are substantially uniformly spaced center to center so as to have a substantially uniform pitch, the series of contiguously adjacent light areas including (a) a first light area of a first light area height and a plurality of second light areas of a substantially constant second light area height,

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wherein the first light area height is different from the substantially constant second light area height.

The assertions in the office action that certain limitations are a matter of design choice are respectfully traversed, since obviousness cannot be based on what a person skilled in the art might try. It is further respectfully submitted that whether something solves a stated problem is also not a test for obviousness.

Conclusion

Although no additional fee is believed to be required for this response, the undersigned Xerox Corporation attorney hereby authorizes the charging of any necessary fees, other than the Issue Fee, to Xerox Corporation Deposit Account No. 24-0025.

If the Examiner considers personal contact advantageous to the disposition of this case, please call Applicant's attorney, Manuel Quiogue at 503.685.4229 or fax him at 503.685.4223.

Respectfully submitted,



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